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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,129	06/19/1998	PAUL HAVERSTOCK	52817.000035	8225

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 02/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/100,129

Applicant(s)

HAVERSTOCK ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 31.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 18, 2002 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-9, 15-17, 19, 21-23 and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Leone, US Pat. No. 5,745,360 in view of Buzsaki, US Pat. No. 5,987,422.

4. As to claims 1, 8, 15, and 21, Leone discloses:

a server (fig. 2, WWW server (HTTPD) 8b);

one or more databases, in communication with the server, comprising one or more non-markup language objects (fig. 2, the user requests the server for book 7 stored in a database using a web browser, col. 4 lines 6-45); and

a workflow module that facilitates one or more object management tasks, of the server, associated with the one or more non-markup language objects according to a predefined

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process, wherein the workflow module performs the one or more object management tasks without user input. (Leone discloses a Dynamic Interchange Translation Agent which is extrapolated from CGI scripts for performing predetermined actions to manage workflow without user intervention, col. 3, line 12 – col. 4, line 45).

However, Leone does not explicitly disclose notification of at least one user that at least one action is required for the one or more non-markup language objects, and wherein that at least one user is someone other than the creator of the one or more non-markup language objects. Buzsaki teaches a method for notifying a user that an action needs to be taken (Buzsaki, abstract and col. 12, line 40 – col. 14, line 19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a notification system as taught by Buzsaki into the system of Leone for the purpose of enhancing user communication and access to data.

5. As to claims 2, 9, 19, and 22, Leone-Buzsaki teaches that the CGI program locates, opens and converts the non-HTML document based on a user request for the document (Leone, col. 4, lines 6-45);

6. As to claim 3, 10, 16, 17, 23, and 26-33, Leone-Buzsaki discloses the a CGI program and a special agent component that distributed, routed and tracked an object according to a predetermined process (Leone, col. 4, lines 6-45).

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7. Claims 4-7, 11-14, 18, 20, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leone-Buzsaki as applied to claims 1-3, 8-9, 15-17, 19, 21-23 and 26-33 above, and further in view of Schutzman, et al., US Pat. No. 5,627,764 (herein referred to as Schutzman).

8. As to claims 4, 11, 18, and 24, Leone-Buzsaki discloses the invention substantially as claimed. However, Leone-Buzsaki does not specifically disclose *a notifying module that notifies the system user that an action is required for the one or more objects*.

Schutzman teaches a workflow administration system which provides notification to the user in the same field of endeavor for the purpose of providing the use feedback for follow-up activity, workflow administration or routing (Schutzman, col. 3, line 9 – col. 4, line 55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the notifying module of Schutzman into the client/server system of Leone-Buzsaki in order to automate the system while maintaining user control and knowledge of internal functions of the system, thereby increasing system reliability and efficiency.

9. As to claims 5, 12, 20, and 25, Leone-Buzsaki-Schutzman teaches a translator for translating non-markup language objects into markup language format (Leone, col. 4, lines 6-45).

10. As to claims 6 and 13, Leone-Buzsaki-Schutzman teaches a client/server system comprising a HTTP server module (Leone, fig. 2 and col. 4, lines 6-45).

11. As to claims 7 and 14, Leone-Buzsaki-Schutzman teaches a client/server system comprising a non-markup language server (non-markup language processing functionality resides on server 3; Leone, col. 4, lines 6-45).

Supplemental Rejection

12. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Leone, US Pat. No. 5,745,360 in view of Bromley, US Pat. No. 5,987,422.

13. As to claims 1, 8, 15, and 21, Leone discloses:

a server (fig. 2, WWW server (HTTPD) 8b);

one or more databases, in communication with the server, comprising one or more non-markup language objects (fig. 2, the user requests the server for book 7 stored in a database using a web browser, col. 4 lines 6-45); and

a workflow module that facilitates one or more object management tasks, of the server, associated with the one or more non-markup language objects according to a predefined process, wherein the workflow module performs the one or more object management tasks without user input. (Leone discloses a Dynamic Interchange Translation Agent which is

extrapolated from CGI scripts for performing predetermined actions to manage workflow without user intervention, col. 3, line 12 – col. 4, line 45).

However, Leone does not explicitly disclose notification of at least one user that at least one action is required for the one or more non-markup language objects, and wherein that at least one user is someone other than the creator of the one or more non-markup language objects. Bromley teaches a method for notifying a user that an action needs to be taken (Bromley, col. 4, line 22 – col. 5, line 26 and col. 31, line 20 – col. 32, line 50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a notification system as taught by Bromley into the system of Leone for the purpose of enhancing user communication and access to data.

14. As to claims 2, 9, 19, and 22, Leone-Bromley teaches that the CGI program locates, opens and converts the non-HTML document based on a user request for the document (Leone, col. 4, lines 6-45);

15. As to claim 3, 10, 16, 17, 23, and 26-33, Leone-Bromley discloses the a CGI program and a special agent component that distributed, routed and tracked an object according to a predetermined process (Leone, col. 4, lines 6-45).

16. As to claims 4, 11, 18, and 24, Leone-Bromley discloses a notifying module that notifies the system user that an action is required for the one or more objects (Bromley, col. 31, line 20 – col. 32, line 50).

17. As to claims 5, 12, 20, and 25, Leone-Bromley teaches a translator for translating non-markup language objects into markup language format (Leone, col. 4, lines 6-45).

18. As to claims 6 and 13, Leone-Bromley teaches a client/server system comprising a HTTP server module (Leone, fig. 2 and col. 4, lines 6-45).

As to claims 7 and 14, Leone-Bromley teaches a client/server system comprising a non-markup language server (non-markup language processing functionality resides on server 3; Leone, col. 4, lines 6-45).

Response to Arguments and Declaration

Applicant's arguments filed February 5, 2002 have been fully considered but they are not persuasive. The declaration filed on May 11, 2001 (paper nos. 18, 19 and 20) under 37 CFR 1.131 has been considered but is ineffective to overcome the Buzsaki reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Enoki reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Exhibits relied upon by the Applicant to establish a conception of the invention do not support applicant's assertion.

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First, the exhibit, if created after the effective date of the prior art, does little to support Applicant's Declaration. In the text, however, Exhibit B refers to the use of Windows 2000 under System Requirements (page 3). This reference to Windows 2000 raises sufficient question as to the effectiveness of the exhibits since the effective date of the prior art is May 29, 1997.

Second, during a telephone conversation, the Applicant admitted that the Exhibits filed in support of the Declaration were public documents (Interview summary, paper no. 26).

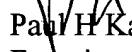
Publication dates on public documents, unlike internal memos, drawings, or other evidence, may not be redacted.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2756

February 11, 2002


MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100